

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAN 26 2017

CLERK, U.S. DISTRICT COURT

By Deputy

UNITED STATES OF AMERICA

v.

OMAIR RAFIQ CHAUDRY (01)

No. 4:17-MJ-093

CRIMINAL COMPLAINT

I, Special Agent Aaron Cohen, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

*On or about July 21, 2015, in the Fort Worth Division of the Northern District of Texas and elsewhere, defendant **Omair Rafiq Chaudry**, for the purpose of executing and attempting to execute the scheme and artifice to defraud, and to obtain money and property from Kroger by means of materially false and fraudulent pretenses, representations and promises, knowingly transmitted, and caused to be transmitted, by means of wire communication in interstate commerce certain signals and sounds, that is: **Chaudry** caused to be sent a requisition order and a purchase order from a Vandervoort computer terminal in Fort Worth, Texas, to Kroger servers and offices in Cincinnati, Ohio, containing an invoice, which claimed that Performance should be paid \$12,610 for roof repairs at Vandervoort facility on June 8, 2015, which **Chaudry** knew to be materially false, all done in violation of 18 U.S.C. § 1343.*

INTRODUCTION

1. My name is Aaron Cohen, Special Agent with the Federal Bureau of Investigation. I am assigned to work complex financial crimes in the Fort Worth Resident Agency.

2. The information contained in this Complaint is the result of my own investigation as well as information provided to me by other investigators and law enforcement officers. In each instance when I recite information from such others, I have gained that information either by talking directly to such investigators and law enforcement officers or reviewing written reports of their investigation, or both. This Complaint accurately summarizes the evidence I discovered during my investigation; it does not, however, contain every detail known to me about the investigation.

THE SCHEME TO DEFRAUD

3. Kroger Company (Kroger) was a national chain of grocery stores and food processing plants. Kroger wholly owned Vandervoorts Dairy Foods Company, (Vandervoort), a dairy processing plant located in Fort Worth, Texas. Vandervoort processed raw milk into various products such as sour cream, cottage cheese, and milk for the Kroger brand. It distributed those products to Kroger stores across Texas and parts of Louisiana.

4. Rani Ismail Alabed started his employment with Kroger in 2011, and became the maintenance engineer at Vandervoort in or about April 2014.

5. As the Vandervoort maintenance engineer, Alabed was responsible for the preventative maintenance program at the plant and reported directly to the facility engineer who, in turn, was in charge of the maintenance department.

6. Alabed had authority to create and approve requisition orders for plant repairs and maintenance. He had the option to assign the repair and maintenance work to engineers employed on-site at Vandervoort or to assign them to outside contractors. An approved requisition order became a purchase order, which would be submitted to Kroger's Regional Accounting Center in Kansas for payment.

7. **Omair Rafiq Chaudry** was a friend of Alabed, who posed as an outside contractor for metal fabrication work at Vandervoort.

8. From in or about January 2014, until in or about September 2015, **Alabed**, together with **Chaudry** and A.S., knowingly and willfully devised and executed a scheme and artifice to defraud and to obtain money and property from Kroger/Vandervoort by means of materially false and fraudulent pretenses, representations, and promises.

9. It was part of the scheme that Alabed recruited his associates, **Chaudry** and A.S. to set up sham businesses. It was part of the scheme for Alabed to submit falsified documentation, including requisition and purchase orders, to Kroger for payment to the sham companies for maintenance and repair services at Vandervoort, which were not rendered. It was part of the scheme that **Chaudry** and A.S., who set up the sham companies, would keep a portion of the Kroger payments to the sham companies and give the remainder of the proceeds to Alabed.

10. To carry out his part in the scheme, in or about November 2014, **Chaudry** agreed to form a sham metal fabrication company that he called Performance Industries, (Performance), to enable Alabed to obtain money fraudulently from Kroger for repair and

maintenance work at Vandervoort that was not performed. **Chaudry** was not in the metal fabrication business and performed no such work for Vandervoort.


11. Between November 19, 2014, and September 3, 2015, **Chaudry** and Alabed submitted, or caused to be submitted, 68 false requisition orders for Performance in Kroger's enterprise maintenance software. **Chaudry** and Alabed entered, or caused to be entered, these false requisition and purchase orders through the Vandervoort computer system in Fort Worth, Texas. The false documentation was then transmitted electronically to a server in Cincinnati, Ohio.

12. Kroger personnel reviewed the Performance requisition orders and purchase orders, and paid Performance a total of approximately \$203,924 between November 2014, and September 2015. Kroger mailed the checks from its Regional Accounting Center in Hutchinson, Kansas via the United States Postal Service to O.C.'s home in Fort Worth, Texas. Upon receipt, **Chaudry** deposited the checks into a credit union account he had opened for Performance. **Chaudry's** credit union account showed approximately \$203,924 in deposits from Kroger and approximately \$191,662 in cash/ATM withdrawals.

13. Specifically, on or about July 21, 2015, in the Fort Worth Division of the Northern District of Texas and elsewhere, defendant **Chaudry**, for the purpose of executing and attempting to execute the scheme and artifice to defraud, and to obtain money and property from Kroger by means of materially false and fraudulent pretenses, representations and promises, knowingly transmitted, and caused to be transmitted, by means of wire communication in interstate commerce certain signals and sounds, that is: **Chaudry** caused to be sent a requisition order and a purchase order from a Vandervoort computer terminal in Fort Worth, Texas, to Kroger servers and offices in Cincinnati, Ohio, containing an invoice, which claimed that Performance should be paid \$12,610 for roof repairs at Vandervoort facility on June 8, 2015, which Chaudry knew to be materially false, all done in violation of 18 U.S.C. § 1343.

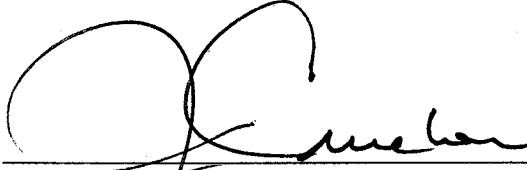
CONCLUSION

14. Based upon the foregoing facts and information, I submit there is probable cause to believe that **Chaudry** devised a scheme to Kroger/Vandervoort, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing that scheme, he caused to be transmitted by means of wire communication in interstate commerce certain signals and sounds, all done in violation of 18 U.S.C. § 1343.



Aaron Cohen
Special Agent, Federal Bureau of Investigation

SWORN AND SUBSCRIBED before me, at 1:45 ~~am~~^{pm}, this 26th day of February, 2017.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE